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8
9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11
12 KAL-MOR-USA, LLC, a Nevada limited
13 liability company;

14 Plaintiff,

15 v.

16 BANK OF AMERICA, N.A., a National
17 Association; CTC REAL ESTATE SERVICES,
18 a Foreign Corporation; CITIBANK (WEST),
19 FSB, a Foreign Corporation; DOES I through X;
and ROE CORPORATIONS I through X,
inclusive;

20 Defendants.
21

Case No.: 2:13-cv-00682-GMN-PAL

**JOINT MOTION TO SUBSTITUTE
PARTY-DEFENDANT**

22 Plaintiff KAL-MOR-USA, LLC (**KAL-MOR**), and its counsel, Jason Martinez, Esq. of
23 WEIL & DRAGE, together with Bank of America, N.A. (**BANA**), and its counsel Melanie D. Morgan,
24 Esq. and of the law firm of AKERMAN LLP, move this Court for an order substituting U.S. Bank,
25 National Association (**U.S. Bank**) as party-defendant in the place of BANA. In support, US. Bank
26 and BANA state:

1 1. Effective February 14, 2013, BANA assigned its right, title and interest in the deed of
2 trust at issue in the instant case to U.S. Bank, pursuant to an Assignment of Deed of Trust
3 (**Assignment**) recorded in the Office of the Clark County Recorder as Instrument
4 201302010000394. A copy of the Assignment is attached as **Exhibit A**.

5 2. Based on the foregoing, U.S. Bank, as assignee from BANA, is now the owner and
6 holder of the deed of trust at issue in the instant action and is therefore the real party in interest. As a
7 result, U. S. Bank should be substituted for BANA as party-defendant.

8 3. As a result of the substitution of party-defendant, the case caption should be amended
9 to read: KAL-MOR-USA, LLC, a Nevada limited liability company, Plaintiff, and U.S. Bank,
10 National Association, Defendant.

11 4. No prejudice will result from the granting of this joint motion.

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1 Plaintiff KAL-MOR and its counsel, Jason Martinez, Esq. of WEIL & DRAGE, and Defendant
 2 BANA and its counsel, Melanie D. Morgan, Esq. of Akerman LLP respectfully request this Court
 3 enter an order substituting U.S. Bank as party-defendant in the place of BANA and grant any other
 4 relief this Court deems just and proper.

5 DATED this 18th day of August, 2015

DATED this 18th day of August, 2015.

6 **AKERMAN LLP**

WEIL & DRAGE, APC

7 /s/ Melanie D. Morgan

/s/ Jason Martinez

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Attorneys for Plaintiff

17 **ORDER**

18 **IT IS SO ORDERED.**

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 21 UNITED STATES MAGISTRATE PEGGY LEEN

22 DATED: August 18, 2015
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